

### **REMARKS/ARGUMENTS**

1. Claims 14-29 and 105-117 were pending. Claims 14-29 and 105 have been amended. Therefore, claims 14-29 and 105-117 remain pending.
2. The Examiner has rejected the pending claims as being anticipated by Sistanizadeh alone or in combination with Kwok.

Among other things, the claims require independently operating downstream and upstream controllers. As discussed in the summary of the subject patent application, independent downstream and upstream controllers provide (among other things) scalability of the respective upstream and downstream channels. Such scalability may be desirable because the claimed asymmetric communication systems generally include a shared downstream channel for transmitting information to a plurality of remote processor devices, and the upstream channel may be provided via a separate shared channel (e.g., CATV downstream and upstream) or via a physically separate communication link (e.g., CATV downstream and POTS upstream).

The Examiner argues that Sistanizadeh discloses such independently operating downstream and upstream controllers, pointing to column 4, lines 5-20 for support. Upon a careful reading of the Sistanizadeh patent, and in particular the passage at column 4, lines 5-20, it is clear that Sistanizadeh does not disclose or otherwise suggest independently operating downstream and upstream controllers. In fact, Sistanizadeh employs a single controller to handle both downstream and upstream communications. For example, in FIG. 3, each ADSL Bridge 310, 312, 314 handles both downstream and upstream communications, and Router 330 handles both upstream and downstream communications. Also, in FIG. 4A, each ATU-C card 420, 422, 424 handles both downstream and upstream communications over POTS lines (i.e., 1.5 Mb/s downstream, 64 Kb/s upstream). Similarly, in FIG. 10, each ATU-C card 1024, 1026 handles both downstream and upstream communications over copper loops 1014, 1016, respectively. Nowhere does Sistanizadeh describe or otherwise suggest independently operating downstream and upstream controllers. One reason Sistanizadeh does not include independently operating downstream and upstream controllers may be that ADSL is

inherently point-to-point, with a separate physical connection for each end user carrying both downstream and upstream communications. Thus, Sistanzadeh would not benefit from independently operating downstream and upstream controllers, since Sistanizadeh would arguably need independently operating downstream and upstream controllers for each ADSL connection, which would not be practical.

Applicants therefore respectfully submit that the claims are allowable over Sistanizadeh. Because Kwok is only cited by the Examiner against certain dependent claims, Applicants respectfully submit that those claims are allowable over Sistanizadeh in combination with Kwok.

3. The Examiner rejected claims 14-29 under 35 U.S.C. 112 for lacking antecedent basis for certain claim terms.

Claims 14-29 have been amended to provide proper antecedent basis.

4. The Examiner rejected claims 14-29 and 105-117 under the judicially created doctrine of non-statutory double patenting in view of U.S. Patent No. 6,785,288.

A terminal disclaimer is filed herewith.

5 All pending claims are believed to be in a form suitable for allowance. Therefore, the application is believed to be in a condition for allowance. The Applicants respectfully request early allowance of the application. The Applicants request that the Examiner contact the undersigned, Jeffrey T. Klayman, if it will assist further examination of this application.

6 The Applicants do not believe any extension of time is required for timely consideration of this response. In the event that an extension has been overlooked, this conditional petition of extension is hereby submitted, and Applicants request that deposit account number 19-4972 be charged for any fees that may be required for the timely consideration of this application.

Date: March 24, 2006

Respectfully submitted,



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